

REMARKS:

Examiner Sperty is thanked for the courtesy of discussing this application during a telephone conference on August 30, 2005. Applicant submits herewith a Request for Continued Examination. A reply and amendment was previously filed after Final on April 1, 2005. However, Applicant requests that the April 1, 2005 amendments not be entered. Rather, Applicant requests that the claims be amended as provided herein. Reconsideration of the application as amended and in light of the remarks below is requested.

Applicant has maintained withdrawn claims 1-7, 14, 21-23, 34, 43, 51 and 52 in the application. Claims 8-13, 15-20, 24-33, 35-42, 44-50 and 53-88 are canceled. New claims 89-97 have been added. No new matter has been added. Further, Applicant submits that all new claims are directed to the previously elected species.

New independent claim 89 is set forth as discussed with Examiner Sperty during the telephone conference. While the Examiner indicated that a new search would likely be needed, Applicant believes that claim 89 overcomes the prior rejections and art of record. Specifically, none of the references disclose or suggest a coupling apparatus having all of the claimed features. While Applicant realizes the prior art of record has not been cited in rejection of new claims 89-97, Applicant provides comments on each of the cited references in an attempt to expedite examination.

U.S. Patent No. 5,566,477 to Mathis et al. ("Mathis") discloses a removable shoelace cover for a shoe. In the Final Office Action of December 1, 2004, the Examiner indicated that the loop 40 is considered part of the shoelace cover, and the shoelace goes through loop 40. The ends of the shoelace are tied together.

As set forth in new claim 89, the backer includes first and second major surfaces, with first and second openings extending therethrough. Thus, each opening extends from the first major surface to the second major surface. Mathis fails to disclose or suggest such a feature, given loop 40 does not define a major surface of the cover. In addition, the openings in loop 40 extend parallel to the major surfaces as opposed to through the major surfaces.

New claim 89 provides that first and second ends of a tying element are received in the first and second openings. Thus, the first end of the tying element passes through the first opening, and the second end of the tying element passes through the second opening. In Mathis, one end of the shoe lace is passed through loop 40. The opposite ends of the shoelace are not be received in opposite ends of the loop 40. Applicant also claims that the backer is substantially planar – Mathis discloses a curved shoelace cover.

U.S. Patent No. 5,857,469 to Sowell (“Sowell”) discloses a barrette with adhesive tape on its upper surface. Sowell does not disclose or suggest a tying element and backer in combination with the fastener system as provided in new claim 89. Furthermore, Sowell fails to disclose or suggest a backer that is substantially planar and includes first and second spaced openings for receiving the opposite ends of the tying element ends.

Likewise, U.S. Patent No. 5,709,013 to Stanback (“Stanback”) fails to disclose or suggest a tying element and backer in combination with the fastener system as provided in new claim 89. The portion of the device disclosed by Stanback having openings is also not substantially planar, but rather has a curved configuration. Further, Stanback does not provide for a tying element having first and second ends that are receivable in first and second openings of a backer. Rather, Stanback provides for a pair of closed

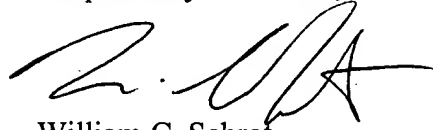
elastic loops which are held together by a clasp. See '013 patent, column 1, lines 50-53. The clasp (50) does not secure two opposed ends of a tying element together, as claimed by Applicant. In any event, the device disclosed by Stanback does not provide for any secondary fastener system having first and second fasteners as claimed by Applicant.

Various patents were also cited in the Final Office Action of December 1, 2004 disclosing hair bands, including U.S. Patent Nos. 6,047,708; 3,301,266; 6,516,853; and 3,751,769. While these references may disclose an elastic member, there is no disclosure or suggestion for combining or altering their disclosure to provide for an apparatus as claimed by Applicant.

Further, U.S. Patent No. 6,572,945 to Bries et al. was cited in combination with Sowell and Stanback. Applicant submits that while Bries discloses a loop and hook fastener system, it fails to disclose or suggest all of the features set forth in claim 89. As noted above, neither Sowell nor Stanback disclose or suggest the invention set forth in new claim 89. Thus, Applicant submits that this rejection is rendered moot. Furthermore, there is no disclosure or suggestion set forth in Bries supporting its combination with a backer and tying element as provided in new claim 89.

In light of the amendments and remarks herein, Applicant submits that the pending claims distinguish over the prior art of record. In addition to the RCE, Applicant submits herewith a Request for an Extension of Time for one (1) month, along with the requisite fees. It is believed that no other fees are due with this submission. Should that determination be incorrect, then please debit Account No. 50-0548 and notify the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Schrot', written over a horizontal line.

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